



General Assembly

February Session, 2006

***Raised Bill No. 5660***

LCO No. 2538

\*02538\_\_\_\_\_TRA\*

Referred to Committee on Transportation

Introduced by:  
(TRA)

***AN ACT CONCERNING WHEELCHAIR TRANSFER SAFETY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-180 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2006*):

3 (a) No person shall operate any ambulance service, rescue service or  
4 management service without either a license or a certificate issued by  
5 the commissioner. No person shall operate a commercial ambulance  
6 service or commercial rescue service or a management service without  
7 a license issued by the commissioner. A certificate shall be issued to  
8 any volunteer or municipal ambulance service which shows proof  
9 satisfactory to the commissioner that it meets the minimum standards  
10 of the commissioner in the areas of training, equipment and personnel.  
11 Such minimum standards shall include, but not be limited to, use of  
12 restraints while transferring individuals in wheelchairs from the  
13 ground to the vehicle and from the vehicle to the ground. Applicants  
14 for a license shall use the forms prescribed by the commissioner and  
15 shall submit such application to the commissioner accompanied by an  
16 annual fee of one hundred dollars. In considering requests for  
17 approval of permits for new or expanded emergency medical services

18 in any region, the commissioner shall consult with the Office of  
19 Emergency Medical Services and the emergency medical services  
20 council of such region and shall hold a public hearing to determine the  
21 necessity for such services. Written notice of such hearing shall be  
22 given to current providers in the geographic region where such new or  
23 expanded services would be implemented, provided, any volunteer  
24 ambulance service which elects not to levy charges for services  
25 rendered under this chapter shall be exempt from the provisions  
26 concerning requests for approval of permits for new or expanded  
27 emergency medical services set forth in this subsection. Each applicant  
28 for licensure shall furnish proof of financial responsibility which the  
29 commissioner deems sufficient to satisfy any claim. The commissioner  
30 may adopt regulations, in accordance with the provisions of chapter  
31 54, to establish satisfactory kinds of coverage and limits of insurance  
32 for each applicant for either licensure or certification. Until such  
33 regulations are adopted, the following shall be the required limits for  
34 licensure: (1) For damages by reason of personal injury to, or the death  
35 of, one person on account of any accident, at least five hundred  
36 thousand dollars, and more than one person on account of any  
37 accident, at least one million dollars, (2) for damage to property at least  
38 fifty thousand dollars, and (3) for malpractice in the care of one  
39 passenger at least two hundred fifty thousand dollars, and for more  
40 than one passenger at least five hundred thousand dollars. In lieu of  
41 the limits set forth in subdivisions (1) to (3), inclusive, of this  
42 subsection, a single limit of liability shall be allowed as follows: (A) For  
43 damages by reason of personal injury to, or death of, one or more  
44 persons and damage to property, at least one million dollars; and (B)  
45 for malpractice in the care of one or more passengers, at least five  
46 hundred thousand dollars. A certificate of such proof shall be filed  
47 with the commissioner. Upon determination by the commissioner that  
48 an applicant is financially responsible, properly certified and otherwise  
49 qualified to operate a commercial ambulance service, the  
50 commissioner shall issue a license effective for one year to such  
51 applicant. If the commissioner determines that an applicant for either a

52 certificate or license is not so qualified, the commissioner shall notify  
53 such applicant of the denial of the application with a statement of the  
54 reasons for such denial. Such applicant shall have thirty days to  
55 request a hearing on the denial of the application.

56 (b) Any person or emergency medical service organization which  
57 does not maintain standards or violates regulations adopted under any  
58 section of this chapter applicable to such person or organization may  
59 have such person's or organization's license or certification suspended  
60 or revoked or may be subject to any other disciplinary action specified  
61 in section 19a-17 after notice by certified mail to such person or  
62 organization of the facts or conduct which warrant the intended action.  
63 Such person or emergency medical service organization shall have an  
64 opportunity to show compliance with all requirements for the  
65 retention of such certificate or license. In the conduct of any  
66 investigation by the commissioner of alleged violations of the  
67 standards or regulations adopted under the provisions of this chapter,  
68 the commissioner may issue subpoenas requiring the attendance of  
69 witnesses and the production by any medical service organization or  
70 person of reports, records, tapes or other documents which concern the  
71 allegations under investigation. All records obtained by the  
72 commissioner in connection with any such investigation shall not be  
73 subject to the provisions of section 1-210, as amended, for a period of  
74 six months from the date of the petition or other event initiating such  
75 investigation, or until such time as the investigation is terminated  
76 pursuant to a withdrawal or other informal disposition or until a  
77 hearing is convened pursuant to chapter 54, whichever is earlier. A  
78 complaint, as defined in subdivision (6) of section 19a-13, shall be  
79 subject to the provisions of section 1-210, as amended, from the time  
80 that it is served or mailed to the respondent. Records which are  
81 otherwise public records shall not be deemed confidential merely  
82 because they have been obtained in connection with an investigation  
83 under this chapter.

84 (c) Any person or emergency medical service organization

85 aggrieved by an act or decision of the commissioner regarding  
86 certification or licensure may appeal in the manner provided by  
87 chapter 54.

88 (d) Any person guilty of any of the following acts shall be fined not  
89 more than two hundred fifty dollars, or imprisoned not more than  
90 three months, or be both fined and imprisoned: (1) In any application  
91 to the commissioner or in any proceeding before or investigation made  
92 by the commissioner, knowingly making any false statement or  
93 representation, or, with knowledge of its falsity, filing or causing to be  
94 filed any false statement or representation in a required application or  
95 statement; (2) issuing, circulating or publishing or causing to be issued,  
96 circulated or published any form of advertisement or circular for the  
97 purpose of soliciting business which contains any statement that is  
98 false or misleading, or otherwise likely to deceive a reader thereof,  
99 with knowledge that it contains such false, misleading or deceptive  
100 statement; (3) giving or offering to give anything of value to any  
101 person for the purpose of promoting or securing ambulance or rescue  
102 service business or obtaining favors relating thereto; (4) administering  
103 or causing to be administered, while serving in the capacity of an  
104 employee of any licensed ambulance or rescue service, any alcoholic  
105 liquor to any patient in such employee's care, except under the  
106 supervision and direction of a licensed physician; (5) in any respect  
107 wilfully violating or failing to comply with any provision of this  
108 chapter or wilfully violating, failing, omitting or neglecting to obey or  
109 comply with any regulation, order, decision or license, or any part or  
110 provisions thereof; (6) with one or more other persons, conspiring to  
111 violate any license or order issued by the commissioner or any  
112 provision of this chapter.

113 (e) No person shall place any advertisement or produce any printed  
114 matter that holds that person out to be an ambulance service unless  
115 such person is licensed or certified pursuant to this section. Any such  
116 advertisement or printed matter shall include the license or certificate  
117 number issued by the commissioner.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>July 1, 2006</i>	19a-180
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***Statement of Purpose:***

To increase the safe transport of people in wheelchairs.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*